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C O N F I D E N T I A L SECTION 01 OF 03 KUALA LUMPUR 000906

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TAGS: KTIP KCRM KWMN PGOV PHUM PREL SMIG MY
SUBJECT: MALAYSIA: GTIP STAFF VISIT, AUGUST 15-21

REF: A. KL 704 TIP: MALAYSIA TIER 3 REASSESSMENT
B. KL 632 TIP: GOM INTENSIFIES PUBLIC EDUCATION ON
TIP
C. KL 618 TIP: AMBASSADOR'S MEETING WITH INSPECTOR
GENERAL OF POLICE
D. KL 609 UPDATE ON GOM ANTI-TIP EFFORTS
E. KL 600 FIRST ARRESTS OF IMMIGRATION OFFICIALS
F. KL 596 INCREASED GOM RESPONSIVENESS ON TIP

Classified By: Political Counselor Brian McFeeters for reasons 1.4 (b) and (d).

11. (C) SUMMARY/INTRODUCTION: G/TIP officer Janet Zinn visited Malaysia from August 15 to 21 to review several programs currently receiving funding from G/TIP. She was joined by G/TIP officer Jane Sigmon for meetings on August 21. The visit included three days of NGO meetings with the International Catholic Migration Commission (ICMC) and their partner, the Archdiocesan Human Development Committee (AHDC) in Kota Kinabalu and Tawau, in Sabah Province; two days with Boat People SOS in Penang; and a day with NGO Tenaganita in Kuala Lumpur. The visit provided a mixed picture of collaboration and coordination between NGOs and the GOM in combating trafficking. While ICMC and AHDC said that their organizations worked well with the GOM, Tenaganita claimed to have difficulties. The level of cooperation between the GOM and individual NGOs appears to depend both on the locale where the NGO is working and the NGO's prior relationship with the GOM. The trip supported earlier conclusions that while the GOM clearly has much work to do to build its anti-TIP capacity, credible efforts are underway. END SUMMARY/INTRODUCTION.

PROGRESS IN SABAH

12. (SBU) From August 15 to 21, G/TIP officer Janet Zinn visited Malaysia to review several programs currently receiving funding from G/TIP. G/TIP officer Jane Sigmon arrived to participate in meetings on August 21. The G/TIP team was accompanied to all meetings by Poloff Gregory D'Alesandro and/or LES Azlina Aziz. Since 1999, ICMC/AHDC have been promoting anti-TIP efforts specific to Indonesian and Malaysian cross-border issues)- a significant issue in Sabah. On February 17-18 and June 23-24, ICMC/AHDC held anti-TIP training workshops in Kota Kinabalu designed to increase awareness of the GOM's new anti-TIP legislation and build the capacity of municipal and provisional authorities and civil society groups to identify and rescue trafficking victims and to pursue and prosecute traffickers. Attendees included senior representatives from the Sabah Immigration Department, Maritime Enforcement Agency Malaysia (MMEA), Royal Malaysian Customs and Excise Department, Sabah Labor Department, Royal Malaysian Police Sabah Contingent, the Department of Welfare Service Sabah as well as representatives from the NGOs Tenaganita and Good Shepherd Welfare Center and officials from the Indonesian Consulate in Tawau.

13. (C) ICMC/AHDC noted that in the wake of the April 3, 2009 Senate Foreign Relations Report, "Trafficking and Extortion of Burmese Migrants in Malaysia and Southern Thailand," and the Department's June TIP Report, local and federal government entities in Sabah have demonstrated an increased willingness to work with NGOs. The Commissioner of the Royal Malaysian Police, Sabah Contingent, in a meeting with the G/TIP Team on August 17, stressed the need to work with NGOs and acknowledged the need to have NGO assistance counseling and supporting victims of TIP. The Assistant Minister of Youth and Sports for Sabah, in a meeting with the delegation on August 17, noted that TIP is now one of the most important issues at every level of the Malaysian government. He mentioned that his attendance at the workshops gave him talking points on TIP to pass to both federal and Sabah state legislators. At the G/TIP team's visit to a women's shelter on August 16 (run by the Women's Ministry), that opened July 15, the Women's Ministry welcomed ICMC/AHCD's offer to provide trained counselors to the facility. (Note: Although the Women's Ministry stated that they were open to ICMC/AHCD's offer to provide trained counselors, their commitment to counseling services has been somewhat questionable as the Kuala Lumpur shelter has included limited counseling services after one year in operation. End Note.)

14. (SBU) The G/TIP team also met with representatives from the Indonesian Consulates in Kota Kinabalu and Tawau, the Indonesian plantation workers group KKKIGA, as well as government officials from Nunukan, Indonesia -- all of whom praised ICMC/AHDC's efforts in raising TIP awareness. The Indonesian Consulate officials said ICMC/AHDC was of great

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assistance in the drafting a proposed new memorandum of understanding (MOU) between the GOM and GOI that would include, among other items, a minimum wage for Indonesian migrant workers, specific language restricting the confiscation of passports, and guarantee one day off per week. (This issue has resurfaced as a contentious issue between the countries with the October 26 death of Indonesian maid, Mautik Hani, allegedly at the hands of her Malaysian employers).

15. (C) At a meeting on August 17, the Commissioner of the Royal Malaysian Police, Sabah Contingent, noted that police involvement in labor trafficking cases represented a significant policy change. In the past, such matters were handled by the labor department. Now that new anti-TIP laws were in force, the responsibility fell to the police who were in the process of developing an implementation strategy. He noted that one large hurdle to overcome was lack of resources -- specifically, he suggested that although his police could raid an employer suspected of TIP, a men's shelter was not yet in place to accommodate the victims he would likely find. As such, he stated that he felt confined to taking a more conservative approach to combating TIP until the other anti-TIP components were up and running.

Labor Trafficking Concerns in Penang

16. (SBU) Boat People SOS, a U.S. based NGO created to assist Vietnamese migrant groups, told the team about international labor trafficking issues in Penang. One such case involved an outsourcing company utilized by the Sony Corporation. Between August and December 2007, Joint Resources Holdings (JR Holdings), a Malaysian labor supplier, recruited Vietnamese workers to work at different Sony plants in Malaysia. Each worker paid \$1300 to \$1500 USD and signed a contract guaranteeing them work in Sony plants for 27 months with a guaranteed salary of approximately \$220 USD per month. Upon entry to Malaysia, the workers' passports were confiscated and they were taken to a dormitory near the Sony plant. For ten months, they worked at the Sony plant earning approximately \$250 USD per month. In November 2008, work at

the Sony plant dried up and several workers were returned to JR Holdings. JR Holdings then sent them to work in restaurants, a gloves production plant, a poultry farm, a frozen food plant, and to do domestic work -- all in contradiction to their contracts. During this time, the employers allegedly withheld pay from these individuals. With the help of SOS Boat People, several of these individuals have obtained legal counsel and are pursuing a civil claim against JR Holdings in Penang. The team met with three of the victims on August 19. Their civil case is scheduled for January 10, 2010. SOS Boat People expressed optimism that the GOM would consider pursuing criminal charges in this case (and similar ones) in the wake of the GOM's passage of the 2008 anti-TIP laws and the recent Tier Three ranking in the 2009 TIP Report. Boat People SOS also explained that Vietnamese Government would not enforce labor trafficking laws and in some cases, appeared to be a party to the scheme.

Problems in the Women's Shelters

¶ 7. (C) The delegation visited a Women's Ministry shelter in Kota Kinabalu on August 16 and another in Kuala Lumpur on August 21. Conditions at both shelters raised concerns. The facilities, with high walls, bright lights, and razor wire, resemble detention facilities rather than women's shelters. Women's Ministry officials explained that security at both locations was to both protect the victims from those who trafficked them as well as to prevent them from fleeing the compound. There were external locks on the internal doors of the women's rooms in both facilities that would enable government officials to lock the women in their rooms and in Kuala Lumpur, the team witnessed women locked in their rooms. GOM officials explained that those detained in their rooms had interim protection orders (IPOs) and were still under investigation to determine whether they were victims of trafficking (and thus warranted protection orders (POs)). They elaborated that historically, some IPOs had been placed in the facilities by the traffickers to keep tabs on the TIP victims to determine who was cooperating with authorities. For this reason, the Women's Ministry explained that the locking up of IPOs was to effectively separate them from those who had received protection orders. They added that the locks were also used when a tenant became unruly. The shelter also lacked activities for the TIP victims and lacked trained counselors to work with the TIP victims. (Note: It appeared that the GOM placed considerable effort in the physical construction of these facilities yet still lacked the requisite knowledge needed to effectively run them. End

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Note.) Women's Ministry Officials also explained that they intend to open a men's shelter near Kuala Lumpur International Airport in the near future designed to house up to 300 victims of labor trafficking.

Shut Out in Kuala Lumpur

¶ 8. (C) On August 21, the team met with the local NGO Tenaganita. Unlike the collaborative effort with the GOM described by ICMC/AHDC, Tenaganita explained that they had been "shut out" by the GOM. Tenaganita explained that they were denied access to some of the very women in the GOM shelters that they helped rescue. (Note: While Tenaganita expressed displeasure to being shut out, ICMC/AHDC was invited to, and participated in, the team's visit to the Women's Ministry Shelter in Kota Kinabalu. End Note). Tenaganita also complained that while they have been invited to participate with the Attorney General's Chambers on TIP issues, that their involvement is limited to a sub committee. Furthermore, Tenaganita also expressed discontent with its partnership with ICMC/AHDC and suggested that ICMC works too closely with the GOM. (Note: while Tenaganita is a leading NGO on TIP issues, its Director, Dr. Irene Fernandez, is a member of the Supreme Council of the Opposition People's Justice Party (PKR). Former Deputy Prime Minister and

opposition leader in Parliament, Anwar Ibrahim is the advisor of that party. End Note).

¶9. (C) Comment: The apparent tension between Tenaganita and ICMC/AHDC was not revealed until this final meeting with Tenaganita. It is unclear whether Tenaganita is threatened by ICMC/AHDC's ability (or willingness) to work with the GOM or whether this is a turf war for limited USG funding.

Regardless, it reflects divergent opinions of how well the GOM is working to address the TIP problem. The three days with ICMC/AHDC reflected substantial cross-border efforts to build the capacity of anti-TIP efforts. The afternoon with Tenaganita revealed that tensions between NGOs and the government still exist. This could be a product of past relationships between the government and the individual NGOs or it could simply reflect a difference between how issues are addressed on a national versus local level. While the GOM has significant work yet to accomplish in combating TIP, the recent visit demonstrated some positive momentum.

Although serious short-comings remain, the GOM has opened shelters, arrested immigration officials in conjunction with the trafficking of Burmese at the Thai border region, and taken other steps outlined in the reftels. These changes, as well as the increased receptiveness the GOM has had towards the USG, which was reflected in its openness to the G/TIP team, reflects a significant first step in how TIP is addressed by the GOM. End Comment.

¶10. (U) The GTIP team cleared this cable.
KEITH